

# House File 171

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 55)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including  
2 effective and retroactive applicability date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2096HV 80  
5 lh/cf/24

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1 1 Section 1. Section 9H.1, subsection 25, paragraph a, Code  
1 2 2003, is amended to read as follows:  
1 3 a. Corporations organized under the provisions of chapter  
1 4 504, Code 1989, or chapter 504A; or  
1 5 Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended  
1 6 to read as follows:  
1 7 33. "Testamentary trust" means a trust created by devising  
1 8 or bequeathing property in trust in a will as such terms are  
1 9 used in the Iowa probate code as provided in chapter 633.  
1 10 Testamentary trust includes a revocable trust that has not  
1 11 been revoked prior to the grantor's death.  
1 12 Sec. 3. Section 9H.4, subsection 2, paragraph c,  
1 13 subparagraph (1), Code 2003, is amended to read as follows:  
1 14 (1) The corporation or limited liability company must not  
1 15 hold the agricultural land other than as a lessee. The term  
1 16 of the lease must be for not more than twelve years. The  
1 17 corporation or limited liability company shall not renew a  
1 18 lease. The corporation or limited liability company shall not  
1 19 enter into a lease under this paragraph, if the corporation or  
1 20 limited liability company has ever entered into another lease  
1 21 under this paragraph "c", whether or not the lease is in  
1 22 effect. However, this subparagraph does not apply to a  
1 23 domestic corporation organized under chapter 504, Code 1989,  
1 24 or chapter 504A.  
1 25 Sec. 4. Section 9H.4, subsection 2, paragraph c,  
1 26 subparagraph (4), Code 2003, is amended to read as follows:  
1 27 (4) The corporation or limited liability company must  
1 28 deliver a copy of the lease to the secretary of state. The  
1 29 secretary of state shall notify the lessee of receipt of the  
1 30 copy of the lease. However, this subparagraph does not apply  
1 31 to a domestic corporation organized under chapter 504, Code  
1 32 1989, or chapter 504A.  
1 33 Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended  
1 34 to read as follows:  
1 35 3. Agricultural land, including leasehold interests,  
2 1 acquired by a nonprofit corporation organized under the  
2 2 provisions of chapters 504, Code 1989, and 504A including land  
2 3 acquired and operated by or for a state university for  
2 4 research, experimental, demonstration, foundation seed  
2 5 increase or test purposes and land acquired and operated by or  
2 6 for nonprofit corporations organized specifically for  
2 7 research, experimental, demonstration, foundation seed  
2 8 increase or test purposes in support of or in conjunction with  
2 9 a state university.  
2 10 Sec. 6. Section 10B.1, subsection 9, paragraph a, Code  
2 11 2003, is amended to read as follows:  
2 12 a. A corporation organized under the provisions of ~~former~~  
2 13 chapter 504, Code 1989, or chapter 504A.  
2 14 Sec. 7. Section 15E.11, Code 2003, is amended to read as  
2 15 follows:  
2 16 15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.  
2 17 The Iowa development commission is hereby authorized to  
2 18 form a corporation under the provisions of ~~former~~ chapter 504,  
2 19 Code 1989, for the purpose of receiving and disbursing funds  
2 20 from public or private sources to be used to further the  
2 21 overall development and well-being of the state.  
2 22 Sec. 8. Section 15E.42, subsection 2, Code 2003, is

2 23 amended to read as follows:  
2 24 2. "Board" means the Iowa capital investment board, ~~if~~  
2 25 ~~created in House File 2078 as enacted by the Seventy-ninth~~  
2 26 ~~General Assembly created in section 15E.63.~~  
2 27 Sec. 9. Section 15E.111, subsection 8, Code 2003, is  
2 28 amended to read as follows:  
2 29 8. The department of economic development and the office  
2 30 of renewable fuels and coproducts shall prepare a report each  
2 31 six months detailing the progress of the department and other  
2 32 agencies provided in this section. The office of renewable  
2 33 fuels and coproducts, the department of natural resources, and  
2 34 Iowa state university may contribute a summary of their  
2 35 activities. The report shall be delivered to the secretary of  
3 1 the senate and the chief clerk of the house; the legislative  
3 2 service bureau; the chairpersons and ranking members of the  
3 3 senate standing committee on agriculture; the senate standing  
3 4 committee on ~~small business, economic development, and tourism~~  
3 5 ~~growth~~; the house of representatives standing committee on  
3 6 agriculture; and the house of representatives standing  
3 7 committee on economic ~~development growth~~.  
3 8 Sec. 10. Section 18.80, Code 2003, is amended to read as  
3 9 follows:  
3 10 18.80 RESERVE SUPPLY.  
3 11 The ~~superintendent state printing administrator~~ shall  
3 12 designate, subject to the approval of the director, the number  
3 13 of copies of reports and publications to be held in reserve,  
3 14 and copies thus held in reserve shall be distributed only upon  
3 15 the written request of the head of the department, approved by  
3 16 the ~~superintendent state printing administrator~~, and ordered  
3 17 by the director.  
3 18 Sec. 11. Section 18.81, Code 2003, is amended to read as  
3 19 follows:  
3 20 18.81 UNUSED DOCUMENTS.  
3 21 The ~~superintendent state printing administrator~~ shall from  
3 22 time to time report to the director any documents in the  
3 23 ~~superintendent's state printing administrator's~~ custody deemed  
3 24 not needed and which have been printed five years or more, and  
3 25 if the report has the written approval of the head of the  
3 26 department from which the documents were issued, the director  
3 27 may condemn and order the documents sold, and the proceeds  
3 28 turned into the unappropriated funds of the state. If a  
3 29 department no longer exists, approval by the head of the  
3 30 department shall not be required. If the condemned documents  
3 31 cannot be sold the director may order them destroyed.  
3 32 Sec. 12. Section 18.83, Code 2003, is amended to read as  
3 33 follows:  
3 34 18.83 INFORMATION AS TO DOCUMENTS.  
3 35 The ~~superintendent state printing administrator~~ shall  
4 1 advise the public of the publication of reports and documents  
4 2 and of the nature of the material therein, and give  
4 3 information as to the publications that are available for  
4 4 distribution and how to obtain them.  
4 5 Sec. 13. Section 18.84, Code 2003, is amended to read as  
4 6 follows:  
4 7 18.84 MAILING LISTS.  
4 8 The ~~superintendent state printing administrator~~ shall  
4 9 require from officials or heads of departments mailing lists,  
4 10 or addressed labels or envelopes, for use in distribution of  
4 11 reports and documents. The ~~superintendent state printing~~  
4 12 ~~administrator~~ shall revise such lists, eliminating  
4 13 duplications and adding to the lists libraries, institutions,  
4 14 public officials, and persons having actual use for the  
4 15 material. The ~~superintendent state printing administrator~~  
4 16 shall arrange the lists so as to reduce to the minimum the  
4 17 postage or other cost for delivery. Requests for publications  
4 18 shall be handled only upon receipt of postage by the  
4 19 ~~superintendent state printing administrator~~ from the  
4 20 requesting agency or department.  
4 21 Sec. 14. Section 18.85, Code 2003, is amended to read as  
4 22 follows:  
4 23 18.85 COPIES TO DEPARTMENTS.  
4 24 The ~~superintendent state printing administrator~~ shall  
4 25 furnish the various officials and departments with copies of  
4 26 their reports needed for office use or to be distributed to  
4 27 persons requesting the reports. Requests for publications  
4 28 shall be handled only upon receipt of postage by the  
4 29 ~~superintendent state printing administrator~~.  
4 30 Sec. 15. Section 18.86, Code 2003, is amended to read as  
4 31 follows:  
4 32 18.86 ASSEMBLY MEMBERS.  
4 33 The official reports, the miscellaneous documents and other

4 34 publications upon request, and the completed journals of the  
4 35 general assembly and ten copies of the official register,  
5 1 shall be sent to each member of the general assembly, and, so  
5 2 far as they are available, additional copies upon their  
5 3 request. Requests for publications shall be handled only upon  
5 4 receipt of postage by the ~~superintendent state printing~~  
5 5 ~~administrator~~.

5 6 Sec. 16. Section 18.88, Code 2003, is amended to read as  
5 7 follows:

5 8 18.88 NEWSPAPERS.

5 9 The journals of the general assembly and the official  
5 10 register shall be sent to each newspaper of general  
5 11 circulation in Iowa, and editors of newspapers in Iowa shall  
5 12 be entitled to other publications on request when they are  
5 13 available. Requests for publications shall be handled only  
5 14 upon receipt of postage by the ~~superintendent state printing~~  
5 15 ~~administrator~~.

5 16 Sec. 17. Section 18.92, Code 2003, is amended to read as  
5 17 follows:

5 18 18.92 GENERAL DISTRIBUTION.

5 19 The ~~superintendent state printing administrator~~ may send  
5 20 additional copies of publications to other state officials,  
5 21 individuals, institutions, libraries, or societies that may  
5 22 request them. Requests for publications shall be handled only  
5 23 upon receipt of postage by the ~~superintendent state printing~~  
5 24 ~~administrator~~.

5 25 Sec. 18. Section 18.102, Code 2003, is amended to read as  
5 26 follows:

5 27 18.102 INDEX TO BILLS.

5 28 The secretary of the senate and the chief clerk of the  
5 29 house shall throughout each legislative session compile and  
5 30 cause to be printed a cumulative bulletin of bills and joint  
5 31 resolutions which bulletin shall contain a brief history of  
5 32 each bill, and detailed information as to the status of  
5 33 legislation and shall be conveniently indexed. The bulletin  
5 34 shall be printed and delivered one day before the ~~mid-term~~  
5 35 ~~midterm~~ recess of each legislature and thereafter twenty-five  
6 1 days after the end of ~~said the~~ recess except as may otherwise  
6 2 be provided by the joint rules of the general assembly. The  
6 3 last issue of each bulletin shall be brought down to the time  
6 4 of final adjournment and shall be promptly furnished to all  
6 5 members of the general assembly and to such others as the  
6 6 ~~superintendent state printing administrator~~ may determine.

6 7 Sec. 19. Section 18.103, Code 2003, is amended to read as  
6 8 follows:

6 9 18.103 ENROLLING CLERKS TO KEEP RECORDS.

6 10 The enrolling clerks of the senate and house shall, under  
6 11 the directions of the secretary of the senate and ~~chief clerk~~  
6 12 ~~of the house~~, respectively, keep a daily cumulative record of  
6 13 the information required in section 18.102 and in such manner  
6 14 that the same may be promptly furnished to the ~~superintendent~~  
6 15 ~~state printing administrator~~ at the close of each week.

6 16 Sec. 20. Section 29A.90, subsection 3, Code 2003, is  
6 17 amended to read as follows:

6 18 3. "Military service" means full-time active state service  
6 19 or state active duty, as defined in section 29A.1, for a  
6 20 period of at least ninety consecutive days, commencing on or  
6 21 after ~~the effective date of this division of this Act~~ April  
6 22 ~~22, 2002~~.

6 23 Sec. 21. Section 68B.39, unnumbered paragraph 1, Code  
6 24 2003, is amended to read as follows:

6 25 The supreme court of this state shall prescribe rules ~~by~~  
6 26 ~~January 1, 1993~~, establishing a code of ethics for officials  
6 27 and employees of the judicial branch of this state, and the  
6 28 immediate family members of the officials and employees.  
6 29 Rules prescribed under this paragraph shall include provisions  
6 30 relating to the receipt or acceptance of gifts and honoraria,  
6 31 interests in public contracts, services against the state, and  
6 32 financial disclosure which are substantially similar to the  
6 33 requirements of this chapter.

6 34 Sec. 22. Section 70A.23, Code 2003, is amended to read as  
6 35 follows:

7 1 70A.23 CREDIT FOR ACCRUED SICK LEAVE.

7 2 When a state employee, excluding an employee covered under  
7 3 a collective bargaining agreement which provides otherwise,  
7 4 retires under a retirement system in the state maintained in  
7 5 whole or in part by public contributions or payments, the  
7 6 number of accrued days of active and banked sick leave of the  
7 7 employee shall be credited to the employee. When an employee  
7 8 retires, is eligible, and has applied for benefits under a  
7 9 retirement system authorized under chapter 97A or 97B,

7 10 including the teachers insurance and annuity ~~association~~  
7 11 ~~(TIAA) and the college association=college~~ retirement equities  
7 12 fund ~~(CREF)~~ ~~(TIAA=CREF)~~, or an employee dies on or after July  
7 13 1, 1984, while the employee is in active employment but is  
7 14 eligible for retirement benefits under one of the listed  
7 15 chapters, the employee shall receive a cash payment for the  
7 16 employee's accumulated, unused sick leave in both the active  
7 17 and banked sick leave accounts, except when, in lieu of cash  
7 18 payment, payment is made for monthly premiums for health or  
7 19 life insurance or both as provided in a collective bargaining  
7 20 agreement negotiated under chapter 20. An employee of the  
7 21 department of public safety or the department of natural  
7 22 resources who has earned benefits of payment of premiums under  
7 23 a collective bargaining agreement and who becomes a manager or  
7 24 supervisor and is no longer covered by the agreement shall not  
7 25 lose the benefits of payment of premium earned while covered  
7 26 by the agreement. The payment shall be calculated by  
7 27 multiplying the number of hours of accumulated, unused sick  
7 28 leave by the employee's hourly rate of pay at the time of  
7 29 retirement. However, the total cash payments for accumulated,  
7 30 unused sick leave shall not exceed two thousand dollars per  
7 31 employee and are payable upon retirement or death. Banked  
7 32 sick leave is defined as accrued sick leave in excess of  
7 33 ninety days.

7 34 Sec. 23. Section 70A.30, unnumbered paragraph 2, Code  
7 35 2003, is amended to read as follows:

8 1 The phased retirement incentive program is a retirement  
8 2 system for purposes of section 20.9, but is not retirement for  
8 3 purposes of chapter 97A, 97B, or 602 or for the employees who  
8 4 are members of the teachers insurance annuity association=  
8 5 college retirement ~~equity equities~~ fund ~~(TIAA=CREF)~~.

8 6 Sec. 24. Section 80.17, subsection 3, Code 2003, is  
8 7 amended to read as follows:

8 8 3. Division of criminal investigation ~~and bureau of~~  
8 9 ~~identification.~~

8 10 Sec. 25. Section 80A.4, subsection 4, Code 2003, is  
8 11 amended to read as follows:

8 12 4. The fingerprints required by subsection 1 may be  
8 13 submitted by the department to the federal bureau of  
8 14 investigation through the state ~~central~~ criminal history  
8 15 repository for the purpose of a national criminal history  
8 16 check.

8 17 Sec. 26. Section 80A.7, subsection 5, Code 2003, is  
8 18 amended to read as follows:

8 19 5. An application for an identification card shall include  
8 20 the submission of fingerprints of the person seeking the  
8 21 identification card, which fingerprints may be submitted to  
8 22 the federal bureau of investigation through the state ~~central~~  
8 23 criminal history repository for the purpose of a national  
8 24 criminal history ~~background~~ check. Fees associated with the  
8 25 processing of fingerprints shall be assessed to the employing  
8 26 licensee.

8 27 Sec. 27. Section 97B.66, unnumbered paragraph 1, Code  
8 28 2003, is amended to read as follows:

8 29 A vested or retired member who was a member of the teachers  
8 30 insurance and annuity ~~association=college association=college~~  
8 31 retirement ~~equity equities~~ fund ~~(TIAA=CREF)~~ at any time  
8 32 between July 1, 1967, and June 30, 1971, and who became a  
8 33 member of the system on July 1, 1971, upon submitting  
8 34 verification of service and wages earned during the applicable  
8 35 period of service under the teachers insurance and annuity  
9 1 ~~association=college association=college~~ retirement equities  
9 2 fund, may make employer and employee contributions to the  
9 3 system based upon the covered wages of the member and the  
9 4 covered wages and the contribution rates in effect for all or  
9 5 a portion of that period of service and receive credit for  
9 6 membership service under this system equivalent to the  
9 7 applicable period of membership service in the teachers  
9 8 insurance and annuity ~~association=college association=college~~  
9 9 retirement equities fund for which the contributions have been  
9 10 made. In addition, a member making employer and employee  
9 11 contributions because of membership in the teachers insurance  
9 12 and annuity ~~association=college association=college~~ retirement  
9 13 equities fund under this section who was a member of the  
9 14 system on June 30, 1967, and withdrew the member's accumulated  
9 15 contributions because of membership on July 1, 1967, in the  
9 16 teachers insurance and annuity ~~association=college~~  
9 17 ~~association=college~~ retirement equities fund, may make  
9 18 employee contributions to the system for all or a portion of  
9 19 the period of service under the system prior to July 1, 1967.  
9 20 A member making contributions pursuant to this section may



9 21 make the contributions either for the entire applicable period  
9 22 of service, or for portions of the period of service, and if  
9 23 contributions are made for portions of the period of service,  
9 24 the contributions shall be in increments of one or more  
9 25 calendar quarters.

9 26 Sec. 28. Section 97B.73, subsection 1, paragraph a, Code  
9 27 2003, is amended to read as follows:

9 28 a. A vested or retired member who has one or more full  
9 29 calendar years of covered wages who was in public employment  
9 30 comparable to employment covered under this chapter in another  
9 31 state or in the federal government, or who was a member of  
9 32 another public retirement system in this state, including but  
9 33 not limited to the teachers insurance and annuity ~~association~~  
~~9 34 college association=college~~ retirement equities fund (TIAA=  
9 35 CREF), but who was not retired under that system, upon

10 1 submitting verification of membership and service in the other  
10 2 public system to the division, including proof that the member  
10 3 has no further claim upon a retirement benefit from that other  
10 4 public system, may make contributions as provided by this  
10 5 section to the system either for the entire period of service  
10 6 in the other public system, or for partial service in the  
10 7 other public system in increments of one or more calendar  
10 8 quarters. If the member wishes to transfer only a portion of  
10 9 the service value of another public system to this system and  
10 10 the other public system allows a partial withdrawal of a  
10 11 member's system credits, the member shall receive credit for  
10 12 membership service in this system equivalent to the period of  
10 13 service transferred from the other public system.

10 14 Sec. 29. Section 99D.8A, subsection 2, Code 2003, is  
10 15 amended to read as follows:

10 16 2. An applicant shall submit pictures, fingerprints, and  
10 17 descriptions of physical characteristics to the commission in  
10 18 the manner prescribed on the application forms. The  
10 19 fingerprints may be submitted to the federal bureau of  
10 20 investigation by the department of public safety through the  
10 21 state ~~central~~ criminal history repository for the purpose of a  
10 22 national criminal history check.

10 23 Sec. 30. Section 99E.3, subsection 3, Code 2003, is  
10 24 amended to read as follows:

10 25 3. The commissioner may employ, with the approval of the  
10 26 director, clerks, stenographers, inspectors, agents, and other  
10 27 employees pursuant to chapter 19A as necessary to carry out  
10 28 this chapter, except as provided in section 99E.14. The  
10 29 commissioner may require a background investigation to be  
10 30 conducted in connection with the employment of lottery  
10 31 employees. The board shall define, by rule, the employment  
10 32 categories subject to investigation. The background  
10 33 investigation by the division of criminal investigation of the  
10 34 department of public safety may include a national criminal  
10 35 history ~~record~~ check through the federal bureau of

11 1 investigation. The screening of lottery employees through the  
11 2 federal bureau of investigation shall be conducted by  
11 3 submission of fingerprints through the state criminal history  
11 4 ~~record~~ repository to the federal bureau of investigation.

11 5 Sec. 31. Section 99E.9, subsection 2, Code 2003, is  
11 6 amended to read as follows:

11 7 2. Subject to the approval of the board, the commissioner  
11 8 may enter into contracts for the operation and marketing of  
11 9 the lottery, except that the board may by rule designate  
11 10 classes of contracts other than major procurements which do  
11 11 not require prior approval by the board. A major procurement  
11 12 shall be as the result of competitive bidding with the  
11 13 contract being awarded to the responsible vendor submitting  
11 14 the lowest and best proposal. However, before a contract for  
11 15 a major procurement is awarded, the division of criminal  
11 16 investigation of the department of public safety shall conduct  
11 17 a thorough background investigation of the vendor to whom the  
11 18 contract is to be awarded. The commissioner and board shall  
11 19 consult with the division of criminal investigation and shall  
11 20 provide, by rule, for the scope of the thorough background  
11 21 investigations and due diligence with regard to the background  
11 22 investigations to be conducted in connection with major  
11 23 procurements. The vendor shall submit to the division of  
11 24 criminal investigation appropriate investigation  
11 25 authorizations to facilitate this investigation. The  
11 26 background investigation by the division of criminal  
11 27 investigation may include a national criminal history record  
11 28 check through the federal bureau of investigation. The  
11 29 screening of vendors or their employees through the federal  
11 30 bureau of investigation shall be conducted by submission of  
11 31 fingerprints through the state criminal history ~~record~~

11 32 repository to the federal bureau of investigation. As used in  
11 33 this subsection, "major procurement" means consulting  
11 34 agreements and the major procurement contract with a business  
11 35 organization for the printing of tickets, or for purchase or  
12 1 lease of equipment or services essential to the operation of a  
12 2 lottery game.

12 3 Sec. 32. Section 99F.6, subsection 2, Code 2003, is  
12 4 amended to read as follows:

12 5 2. An applicant shall submit pictures, fingerprints, and  
12 6 descriptions of physical characteristics to the commission in  
12 7 the manner prescribed on the application forms. The  
12 8 fingerprints may be submitted to the federal bureau of  
12 9 investigation by the department of public safety through the  
12 10 state ~~central~~ criminal history repository for the purpose of a  
12 11 national criminal history check.

12 12 Sec. 33. Section 103A.25, Code 2003, is amended to read as  
12 13 follows:

12 14 103A.25 PRIOR RESOLUTIONS.

12 15 A resolution accepting the state building code as provided  
12 16 in section 103A.7, which was adopted before ~~the effective date~~  
12 17 of this Act July 1, 1989, is an ordinance for the purpose of  
12 18 this chapter.

12 19 Sec. 34. Section 135.78, Code 2003, is amended to read as  
12 20 follows:

12 21 135.78 DATA TO BE COMPILED.

12 22 The department shall compile all relevant financial and  
12 23 utilization data in order to have available the statistical  
12 24 information necessary to properly monitor hospital and health  
12 25 care facility charges and costs. Such data shall include  
12 26 necessary operating expenses, appropriate expenses incurred  
12 27 for rendering services to patients who cannot or do not pay,  
12 28 all properly incurred interest charges, and reasonable  
12 29 depreciation expenses based on the expected useful life of the  
12 30 property and equipment involved. The department shall also  
12 31 obtain from each hospital and health care facility a current  
12 32 rate schedule as well as any subsequent amendments or  
12 33 modifications of that schedule as it may require. In  
12 34 collection of the data required by this section and sections  
12 35 135.74 to 135.78 through 135.76, the department and other  
13 1 state agencies shall coordinate their reporting requirements.

13 2 Sec. 35. Section 141A.7, subsection 2, paragraph a, Code  
13 3 2003, is amended to read as follows:

13 4 a. The performance by a health care provider or health  
13 5 facility of an HIV-related test when the health care provider  
13 6 or health facility procures, processes, distributes, or uses a  
13 7 human body part donated for a purpose specified under the  
13 8 uniform anatomical gift Act as provided in chapter 142C, or  
13 9 semen provided prior to July 1, 1988, for the purpose of  
13 10 artificial insemination, or donations of blood, and such test  
13 11 is necessary to ensure medical acceptability of such gift or  
13 12 semen for the purposes intended.

13 13 Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003,  
13 14 is amended to read as follows:

13 15 This section shall not apply to bodies given under  
13 16 authority of the uniform anatomical gift Act as provided in  
13 17 chapter 142C.

13 18 Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003,  
13 19 is amended to read as follows:

13 20 This section shall not apply to bodies given under  
13 21 authority of the uniform anatomical gift Act as provided in  
13 22 chapter 142C.

13 23 Sec. 38. Section 142C.6, subsection 2, Code 2003, is  
13 24 amended to read as follows:

13 25 2. If an anatomical gift is made to a designated donee,  
13 26 the document of gift, or a copy, may be delivered to the donee  
13 27 to expedite the appropriate procedures after the death of the  
13 28 donor. The document of gift, or a copy, may be deposited in  
13 29 any hospital, organ procurement organization, bank or storage  
13 30 organization, or donor registry office that accepts the  
13 31 document of gift for safekeeping or for the facilitation of  
13 32 procedures after the death of the donor. If a document is  
13 33 deposited by a donor in a hospital, donor registry office, or  
13 34 bank or storage organization, the hospital, donor registry  
13 35 office, or bank or storage organization may forward the

14 1 document to an organ procurement organization which will  
14 2 retain the document for facilitating procedures following the  
14 3 death of the donor. Upon request of a hospital, physician, or  
14 4 surgeon, upon or after the donor's death, the person in  
14 5 possession of the document of gift may allow the hospital,  
14 6 physician, or surgeon to examine or copy the document of gift.

14 7 Sec. 39. Section 147.107, subsection 2, unnumbered

14 8 paragraph 1, Code 2003, is amended to read as follows:

14 9 A pharmacist, physician, dentist, or podiatric physician  
14 10 who dispenses prescription drugs, including but not limited to  
14 11 controlled substances, for human use, may delegate  
14 12 nonjudgmental dispensing functions to staff assistants only  
14 13 when verification of the accuracy and completeness of the  
14 14 prescription is determined by the pharmacist or practitioner  
14 15 in the pharmacist's or practitioner's physical presence.  
14 16 However, the physical presence requirement does not apply when  
14 17 a pharmacist or practitioner is utilizing an automated  
14 18 dispensing system. When using an automated dispensing system  
14 19 the pharmacist or practitioner shall utilize an internal  
14 20 quality control assurance plan that ensures accuracy for  
14 21 dispensing. Verification of automated dispensing accuracy and  
14 22 completeness remains the responsibility of the pharmacist or  
14 23 practitioner and shall be determined in accordance with rules  
14 24 adopted by the ~~boards~~ state board of pharmacy examiners,  
14 25 ~~medicine, dentistry~~ the state board of medical examiners, the  
14 26 state board of dental examiners, and the state board of  
14 27 podiatry examiners for their respective licensees.

14 28 Sec. 40. Section 161B.1, subsection 2, Code 2003, is  
14 29 amended to read as follows:

14 30 2. The department of agriculture and land stewardship  
14 31 shall report annually to the ~~senate~~ standing committees  
14 32 committee on energy natural resources and environment and the  
14 33 house of representatives standing committee on environmental  
14 34 protection of the house and senate on the projects conducted  
14 35 with the agricultural energy management fund.

15 1 Sec. 41. Section 163.30, subsection 2, unnumbered  
15 2 paragraph 1, Code 2003, is amended to read as follows:

15 3 When used in this ~~chapter~~ subchapter:

15 4 Sec. 42. Section 172D.3, subsection 2, paragraph a, Code  
15 5 2003, is amended to read as follows:

15 6 a. Exclusion for federally mandated requirements. This  
15 7 section shall apply to the department's rules except for rules  
15 8 required for delegation of the national pollutant discharge  
15 9 elimination system permit program pursuant to the federal  
15 10 Water Pollution Control Act, Title 33, United States Code,  
15 11 chapter 126, as amended, and 40 ~~Code of Federal Regulations~~  
15 12 C.F.R. Part pt. 124.

15 13 Sec. 43. Section 190C.1, subsection 18, Code 2003, is  
15 14 amended to read as follows:

15 15 18. "Regional organic association" means a corporation  
15 16 organized under ~~former~~ chapter 504, Code 1989, or chapter 504A  
15 17 which has certifying members, elects its own officers and  
15 18 directors, and is independent from the department.

15 19 Sec. 44. Section 230A.12, unnumbered paragraph 1, Code  
15 20 2003, is amended to read as follows:

15 21 Each community mental health center established or  
15 22 continued in operation pursuant to section 230A.3, shall be  
15 23 organized under the Iowa nonprofit corporation Act appearing  
15 24 as chapter 504A, except that a community mental health center  
15 25 organized under former chapter 504 prior to July 1, 1974, and  
15 26 existing under the provisions of chapter 504, Code 1989, shall

15 27 not be required by this chapter to adopt the Iowa nonprofit  
15 28 corporation Act if it is not otherwise required to do so by  
15 29 law. The board of directors of each such community mental  
15 30 health center shall enter into an agreement with the county or  
15 31 affiliated counties which are to be served by the center,  
15 32 which agreement shall include but need not be limited to the  
15 33 period of time for which the agreement is to be in force, what  
15 34 services the center is to provide for residents of the county  
15 35 or counties to be served, standards the center is to follow in  
16 1 determining whether and to what extent persons seeking  
16 2 services from the center shall be considered able to pay the  
16 3 cost of the services received, and policies regarding  
16 4 availability of the center's services to persons who are not  
16 5 residents of the county or counties served by the center. The  
16 6 board of directors, in addition to exercising the powers of  
16 7 the board of directors of a nonprofit corporation may:

16 8 Sec. 45. Section 256A.3, subsection 11, Code 2003, is  
16 9 amended by striking the subsection.

16 10 Sec. 46. Section 260C.14, subsection 1, Code 2003, is  
16 11 amended to read as follows:

16 12 1. Determine the curriculum to be offered in such school  
16 13 or college subject to approval of the director and ensure that  
16 14 all vocational offerings are competency-based, provide any  
16 15 minimum competencies required by the department of education,  
16 16 comply with any applicable requirements in chapter 258, and  
16 17 are articulated with local school district vocational  
16 18 education programs. If an existing private educational or

16 19 vocational institution within the merged area has facilities  
16 20 and curriculum of adequate size and quality which would  
16 21 duplicate the functions of the area school, the board of  
16 22 directors shall discuss with the institution the possibility  
16 23 of entering into contracts to have the existing institution  
16 24 offer facilities and curriculum to students of the merged  
16 25 area. The board of directors shall consider any proposals  
16 26 submitted by the private institution for providing such  
16 27 facilities and curriculum. The board of directors may enter  
16 28 into such contracts. In approving curriculum, the director  
16 29 shall ascertain that all courses and programs submitted for  
16 30 approval are needed and that the curriculum being offered by  
16 31 an area school does not duplicate programs provided by  
16 32 existing public or private facilities in the area. In  
16 33 determining whether duplication would actually exist, the  
16 34 ~~state board director~~ shall consider the needs of the area and  
16 35 consider whether the proposed programs are competitive as to  
17 1 size, quality, tuition, purposes, and area coverage with  
17 2 existing public and private educational or vocational  
17 3 institutions within the merged area. If the board of  
17 4 directors of the merged area chooses not to enter into  
17 5 contracts with private institutions under this subsection, the  
17 6 board shall submit a list of reasons why contracts to avoid  
17 7 duplication were not entered into and an economic impact  
17 8 statement relating to the board's decision.

17 9 Sec. 47. Section 261.23, subsection 4, Code 2003, is  
17 10 amended to read as follows:

17 11 4. A registered nurse shall be eligible for the registered  
17 12 nurse loan repayment program if the registered nurse has  
17 13 received from an accredited school of nursing located in this  
17 14 state a collegiate or associate degree of nursing, a diploma  
17 15 in nursing, or a graduate or equivalent degree in nursing and  
17 16 agrees to practice in an eligible community in this state that  
17 17 has agreed to provide additional funds for the registered  
17 18 nurse's loan repayment. The contract for the loan repayment  
17 19 shall stipulate the time period the registered nurse shall  
17 20 practice in an eligible community in this state. In addition,  
17 21 the contract shall stipulate that the registered nurse repay  
17 22 any funds paid on the registered nurse's loan by the  
17 23 commission if the registered nurse fails to practice in an  
17 24 eligible community in this state for the required period of  
17 25 time. For purposes of this subsection, "eligible community"  
17 26 means a community that agrees to match state funds provided on  
17 27 at least a dollar-for-dollar basis for the loan repayment of a  
17 28 registered nurse who practices in the community.

17 29 Sec. 48. Section 272.2, subsection 14, paragraph a, Code  
17 30 2003, is amended to read as follows:

17 31 a. The board may deny a license to or revoke the license  
17 32 of a person upon the board's finding by a preponderance of  
17 33 evidence that either the person has been convicted of a crime  
17 34 or that there has been a founded report of child abuse against  
17 35 the person. Rules adopted in accordance with this paragraph  
18 1 shall provide that in determining whether a person should be  
18 2 denied a license or that a practitioner's license should be  
18 3 revoked, the board shall consider the nature and seriousness  
18 4 of the founded abuse or crime in relation to the position  
18 5 sought, the time elapsed since the crime was committed, the  
18 6 degree of rehabilitation which has taken place since the  
18 7 incidence of founded abuse or the commission of the crime, the  
18 8 likelihood that the person will commit the same abuse or crime  
18 9 again, and the number of founded abuses committed by or  
18 10 criminal convictions ~~by~~ of the person involved.

18 11 Sec. 49. Section 284.3, subsection 2, paragraph a, Code  
18 12 2003, is amended to read as follows:

18 13 a. By July 1, 2002, for purposes of comprehensive  
18 14 evaluations for beginning teachers required to allow beginning  
18 15 teachers to progress to career teachers, standards and  
18 16 criteria that are the Iowa teaching standards specified in  
18 17 subsection 1 and the model criteria for the Iowa teaching  
18 18 standards developed by the department in accordance with  
18 19 section 256.9, subsection 50. These standards and criteria  
18 20 shall be set forth in an instrument provided by the  
18 21 department. The comprehensive evaluation and instrument are  
18 22 not subject to negotiations or grievance procedures pursuant  
18 23 to chapter 20 or determinations made by the board of directors  
18 24 under section 279.14. A local school board and its certified  
18 25 bargaining representative may negotiate, pursuant to chapter  
18 26 20, evaluation and grievance procedures for beginning teachers  
18 27 that are not in conflict with this chapter. If, in accordance  
18 28 with section 279.19, a beginning teacher appeals the  
18 29 determination of a school board to an adjudicator under



18 30 section 279.17, the adjudicator selected shall have  
18 31 successfully completed training related to the Iowa teacher  
18 32 standards, the model criteria adopted by the state board of  
18 33 education in accordance with subsection 3, ~~as enacted by this~~  
~~18 34 Act,~~ and any additional training required under rules adopted  
18 35 by the public employment relations board in cooperation with  
19 1 the state board of education.

19 2 Sec. 50. Section 284.11, subsections 4, 5, and 7, Code  
19 3 2003, are amended to read as follows:

19 4 4. Each participating district shall create its own design  
19 5 for a team-based variable pay plan linked to the district's  
19 6 comprehensive school improvement plan. The plan must include  
19 7 attendance center student performance goals, student  
19 8 performance levels, multiple indicators to determine progress  
19 9 toward attendance center goals, and a system for providing  
19 10 financial rewards. The team-based variable pay plan shall be  
19 11 approved by the local board.

19 12 5. Each district team-based variable pay plan shall be  
19 13 reviewed by the department. The department shall include a  
19 14 review of the locally established goals, targeted levels of  
19 15 improvement, assessment strategies, and financial reward  
19 16 system.

19 17 7. The district team-based variable pay plan shall specify  
19 18 how the funding received by the district for purposes of this  
19 19 section is to be awarded to eligible staff in attendance  
19 20 centers that meet or exceed their goals. The district shall  
19 21 provide all attendance centers equal access to the available  
19 22 funds. Moneys shall be released by the department to the  
19 23 district only upon certification by the school board that an  
19 24 attendance center has met or exceeded its goals.

19 25 Sec. 51. Section 303A.6, subsection 3, Code 2003, is  
19 26 amended to read as follows:

19 27 3. Upon approving a grant, the board shall certify to the  
19 28 treasurer of state the amount of financial assistance payable  
19 29 from the ~~trust grant~~ account to the qualified organization  
19 30 whose grant application is approved.

19 31 Sec. 52. Section 304A.21, subsection 5, Code 2003, is  
19 32 amended to read as follows:

19 33 5. "Nonprofit organization" means a corporation organized  
19 34 under ~~former~~ chapter 504, ~~Code 1989,~~ or chapter 504A or which  
19 35 holds a permit or certificate under ~~former~~ chapter 504, ~~Code~~  
~~20 1 1989,~~ or chapter 504A to do business or conduct affairs in  
20 2 this state.

20 3 Sec. 53. Section 307.27, subsection 8, Code 2003, is  
20 4 amended to read as follows:

20 5 8. Administer the registration of interstate ~~commerce~~  
~~20 6 commission~~ authority of motor carriers pursuant to chapter  
20 7 327B as provided in 49 U.S.C. } 14504 and United States  
~~20 8 department of transportation regulations.~~

20 9 Sec. 54. Section 308.1, Code 2003, is amended to read as  
20 10 follows:

20 11 308.1 PLANNING COMMISSION.

20 12 The Mississippi parkway planning commission shall be  
20 13 composed of ten members appointed by the governor, five  
20 14 members to be appointed for two-year terms beginning July 1,  
20 15 1959, and five members to be appointed for four-year terms  
20 16 beginning July 1, 1959. In addition to the above members  
20 17 there shall be seven advisory ex officio members who shall be  
20 18 as follows: One member from the state transportation  
20 19 commission, one member from the natural resource commission,  
20 20 one member from the ~~Iowa~~ state soil conservation ~~commission~~  
20 21 ~~committee,~~ one member from the state historical society of  
20 22 Iowa, one member from the faculty of the landscape  
20 23 architectural division of the Iowa State University of science  
20 24 and technology, one member from the Iowa economic development  
20 25 board, and one member from the environmental protection  
20 26 commission. Members and ex officio members shall serve  
20 27 without pay, but the actual and necessary expenses of members  
20 28 and ex officio members may be paid if the commission so orders  
20 29 and if the commission has funds available for that purpose.

20 30 Sec. 55. Section 321.178, subsection 1, paragraph c, Code  
20 31 2003, is amended to read as follows:

20 32 c. Instruction relating to becoming an organ donor under  
20 33 the uniform anatomical gift Act as provided in chapter 142C.

20 34 Sec. 56. Section 321.189, subsection 4, Code 2003, is  
20 35 amended to read as follows:

21 1 4. SYMBOLS. Upon the request of a licensee, the  
21 2 department shall indicate on the license the presence of a  
21 3 medical condition, that the licensee is a donor under the  
21 4 uniform anatomical gift ~~law~~ Act as provided in chapter 142C,  
21 5 or that the licensee has in effect a medical advance

21 6 directive. For purposes of this subsection, a medical advance  
21 7 directive includes, but is not limited to, a valid durable  
21 8 power of attorney for health care as defined in section  
21 9 144B.1. The license may contain such other information as the  
21 10 department may require by rule.  
21 11 Sec. 57. Section 327B.1, subsections 1 through 3, Code  
21 12 2003, are amended to read as follows:  
21 13 1. It is unlawful for a carrier to perform an interstate  
21 14 transportation service for compensation upon the highways of  
21 15 this state without first registering the authority obtained  
21 16 from the ~~interstate commerce commission~~ United States  
21 17 ~~department of transportation~~ or evidence that such authority  
21 18 is not required with the state department of transportation.  
21 19 2. The department shall participate in the single state  
21 20 insurance registration program for regulated motor carriers as  
21 21 provided in 49 U.S.C. } ~~11506 14504 and interstate commerce~~  
21 22 ~~commission~~ United States department of transportation  
21 23 regulations.  
21 24 3. Registration for carriers transporting commodities  
21 25 exempt from ~~interstate commerce commission~~ United States  
21 26 ~~department of transportation~~ regulation shall be granted  
21 27 without hearing upon application and payment of a twenty-five=  
21 28 dollar filing fee and an annual one-dollar fee per vehicle.  
21 29 Sec. 58. Section 327B.7, Code 2003, is amended to read as  
21 30 follows:  
21 31 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE  
21 32 REGISTRATION SYSTEM.  
21 33 The department may enter into a reciprocity agreement on  
21 34 behalf of this state with authorized representatives of other  
21 35 states to become a member of an exempt commodity base state  
22 1 registration system for the registration, insurance  
22 2 verification, and fee collection for carriers hauling  
22 3 commodities exempt from ~~interstate commerce commission~~ United  
22 4 ~~States department of transportation~~ authority.  
22 5 Sec. 59. Section 327C.22, Code 2003, is amended to read as  
22 6 follows:  
22 7 327C.22 INTERSTATE FREIGHT RATES.  
22 8 The department shall exercise constant diligence to  
22 9 ascertain the rates, charges, rules, and practices of common  
22 10 carriers operating in this state, in relation to the  
22 11 transportation of freight in interstate business. When it  
22 12 shall ascertain from any source or have reasonable grounds to  
22 13 believe that the rates charged on such interstate business or  
22 14 the rules or practices in relation thereto discriminate  
22 15 unjustly against any of the citizens, industries, interests,  
22 16 or localities of the state, or place any of them at an  
22 17 unreasonable disadvantage as compared with those of other  
22 18 states, or are in violation of the laws of the United States  
22 19 regulating commerce, or in conflict with the rulings, orders,  
22 20 or regulations of the ~~interstate commerce commission~~ surface  
22 21 ~~transportation board~~, the department shall take the necessary  
22 22 steps to prevent the continuance of such rates, rules, or  
22 23 practices.  
22 24 Sec. 60. Section 327C.23, Code 2003, is amended to read as  
22 25 follows:  
22 26 327C.23 APPLICATION TO ~~INTERSTATE COMMERCE COMMISSION~~  
22 27 ~~SURFACE TRANSPORTATION BOARD~~.  
22 28 When any common carrier has put in force any rates, rules,  
22 29 or practices in relation to interstate freight business, in  
22 30 violation of the laws of the United States regulating  
22 31 commerce, or of the orders, rules, or regulations of the  
22 32 ~~interstate commerce commission~~ surface transportation board,  
22 33 or shall unjustly discriminate against any of the citizens,  
22 34 industries, interests, or localities of the state, the  
22 35 department shall present the material facts involved in such  
23 1 violations or discrimination to the ~~interstate commerce~~  
23 2 ~~commission~~ surface transportation board and seek relief  
23 3 therefrom, and, if deemed necessary or expedient, the  
23 4 department shall prosecute any charge growing out of such  
23 5 violation or discrimination, at the expense of the state,  
23 6 before the ~~interstate commerce commission~~ surface  
23 7 ~~transportation board~~.  
23 8 Sec. 61. Section 327D.67, unnumbered paragraph 2, Code  
23 9 2003, is amended to read as follows:  
23 10 The form of every schedule shall be prescribed by the  
23 11 department and shall conform, in the case of common carriers,  
23 12 as nearly as may be to the form prescribed by the ~~interstate~~  
23 13 ~~commerce commission~~ United States department of  
23 14 ~~transportation~~.  
23 15 Sec. 62. Section 327D.72, Code 2003, is amended to read as  
23 16 follows:

23 17 327D.72 INTERSTATE COMMERCE SCHEDULES.  
23 18 When schedules and classifications required by the  
23 19 ~~interstate commerce commission United States department of~~  
23 20 ~~transportation~~ contain in whole or in part the information  
23 21 required by the provisions of this chapter, the posting and  
23 22 filing of a copy of such schedules and classifications with  
23 23 the ~~interstate commerce commission United States department of~~  
23 24 ~~transportation~~ shall be deemed a compliance with the filing  
23 25 requirements of this chapter insofar as such schedules and  
23 26 classifications contain the information required by this  
23 27 chapter, and any additional or different information may be  
23 28 posted and filed in a supplementary schedule.  
23 29 Sec. 63. Section 327D.200, Code 2003, is amended to read  
23 30 as follows:  
23 31 327D.200 INCONSISTENCY WITH FEDERAL LAW == RAILROADS.  
23 32 If any provision of this chapter is inconsistent or  
23 33 conflicts with federal laws, rules or regulations applicable  
23 34 to railway corporations subject to the jurisdiction of the  
23 35 ~~federal interstate commerce commission surface transportation~~  
24 1 ~~board~~, the department shall suspend the provision, but only to  
24 2 the extent necessary to eliminate the inconsistency or  
24 3 conflict.  
24 4 Sec. 64. Section 327D.201, Code 2003, is amended to read  
24 5 as follows:  
24 6 327D.201 RAILROAD INTRASTATE RATES == RULES.  
24 7 The department may issue rules relating to the regulation  
24 8 of railroad intrastate rates, classifications, rules and  
24 9 practices in accordance with the standards and procedures of  
24 10 the ~~federal interstate commerce commission surface~~  
24 11 ~~transportation board~~ applicable to rail carriers.  
24 12 Sec. 65. Section 327G.61, subsection 2, Code 2003, is  
24 13 amended to read as follows:  
24 14 2. "Spur track" means a railroad track located wholly  
24 15 within the state connected to a main or branch line of a  
24 16 railroad and used to originate or terminate traffic at one or  
24 17 more industries or a railroad track not subject to the  
24 18 jurisdiction of the ~~interstate commerce commission surface~~  
24 19 ~~transportation board~~. A spur track shall not include a  
24 20 railroad line used to provide line=haul or intercity  
24 21 transportation.  
24 22 Sec. 66. Section 327G.78, unnumbered paragraph 1, Code  
24 23 2003, is amended to read as follows:  
24 24 Subject to sections 327G.77 and 6A.16, when a railroad  
24 25 corporation, its trustee, or its successor in interest has  
24 26 interests in real property adjacent to a railroad right-of-way  
24 27 that are abandoned by order of the ~~interstate commerce~~  
24 28 ~~commission surface transportation board~~, reorganization court,  
24 29 bankruptcy court, or the department, or when a railroad  
24 30 corporation, its trustee, or its successor in interest seeks  
24 31 to sell its interests in that property under any other  
24 32 circumstance, the railroad corporation, its trustee, or its  
24 33 successor in interest shall extend a written offer to sell at  
24 34 a fair market value price to the persons holding leases,  
24 35 licenses, or permits upon those properties, allowing sixty  
25 1 days from the time of receipt for a written response. If a  
25 2 disagreement arises between the parties concerning the price  
25 3 or other terms of the sale transaction, either or both parties  
25 4 may make written application to the department to resolve the  
25 5 disagreement. The application shall be made within sixty days  
25 6 from the time an initial written response is served upon the  
25 7 railroad corporation, trustee, or successor in interest by the  
25 8 person wishing to purchase the property. The department shall  
25 9 notify the department of inspections and appeals which shall  
25 10 hear the controversy and make a final determination of the  
25 11 fair market value of the property and the other terms of the  
25 12 transaction which were in dispute, within ninety days after  
25 13 the application is filed. The determination is subject to  
25 14 review by the department and the department's decision is the  
25 15 final agency action. All correspondence shall be by certified  
25 16 mail.  
25 17 Sec. 67. Section 331.427, subsection 2, paragraph k, Code  
25 18 2003, is amended to read as follows:  
25 19 k. For the use of a nonprofit historical society organized  
25 20 under chapter 504, ~~Code 1989~~, or ~~chapter~~ 504A, a city-owned  
25 21 historical project, or both.  
25 22 Sec. 68. Section 331.652, subsection 8, paragraph d, Code  
25 23 2003, is amended to read as follows:  
25 24 d. ~~Civil A civil process servers server~~ shall not be  
25 25 considered to be a sheriff or a deputy sheriff for purposes of  
25 26 this chapter or chapter 97B or 341A.  
25 27 Sec. 69. Section 335.24, Code 2003, is amended to read as

25 28 follows:

25 29 335.24 CONFLICT WITH OTHER REGULATIONS.

25 30 If the regulations made under this chapter require a  
25 31 greater width or size of yards, courts or other open spaces,  
25 32 or require a lower height of building or less number of  
25 33 stories, or require a greater percentage of lot to be left  
25 34 unoccupied, or impose other higher standards than are required  
25 35 in any other statute or local ordinance or regulation, the  
26 1 regulations made under this chapter govern. If any other  
26 2 statute or local ordinance or regulation requires a greater  
26 3 width or size of yards, courts or other open spaces, or  
26 4 requires a lower height of building or a less number of  
26 5 stories, or a greater percentage of lot to be left unoccupied,  
26 6 or imposes other higher standards than are required by the  
26 7 regulations made under this chapter, the other statute or  
26 8 local ordinance or regulation governs. If a regulation  
26 9 proposed or made under this chapter relates to any structure,  
26 10 building, dam, obstruction, deposit or excavation in or on the  
26 11 flood plains of any river or stream, prior approval of the  
26 12 department of ~~water, air and waste management~~ natural  
26 13 resources is required to establish, amend, supplement, change,  
26 14 or modify the regulation or to grant any variation or  
26 15 exception from the regulation.

26 16 Sec. 70. Section 384.63, subsection 3, Code 2003, is  
26 17 amended to read as follows:

26 18 3. When a private improvement is constructed on a lot  
26 19 subject to a deficiency, during the period of amortization,  
26 20 the council shall, by resolution, assess a pro rata portion of  
26 21 the deficiency on that lot, in the same proportion to the  
26 22 total deficiency on that lot as the number of future  
26 23 installments of special assessments remaining to be paid is to  
26 24 the total number of installments of assessments for the  
26 25 project, subject to the twenty-five percent limitation of  
26 26 section 384.62. A deficiency assessment becomes a lien on the  
26 27 property and is payable in the same manner, and subject to the  
26 28 same interests as the other special assessments. The council  
26 29 shall direct the clerk to certify a deficiency assessment to  
26 30 the county treasurer, and to send a notice of the deficiency  
26 31 assessment by mail to each owner, as provided in section  
26 32 384.60, ~~subsection 5~~, but publication of the notice is not  
26 33 required.

26 34 Sec. 71. Section 421B.11, unnumbered paragraph 3, Code  
26 35 2003, is amended to read as follows:

27 1 Judicial review of the actions of the director may be  
27 2 sought in accordance with ~~the terms of the Iowa administrative~~  
27 3 ~~procedure Act chapter 17A~~, and section 422.55.

27 4 Sec. 72. Section 426B.1, subsection 2, Code 2003, is  
27 5 amended to read as follows:

27 6 2. There is appropriated on July 1 of each fiscal year to  
27 7 the property tax relief fund ~~for the indicated fiscal years~~  
27 8 ~~from the general fund of the state the following amounts:~~  
27 9 ~~For the fiscal year beginning July 1, 1997, and succeeding~~  
27 10 ~~fiscal years~~, ninety-five million dollars.

27 11 Sec. 73. Section 432.1, subsection 5, Code 2003, is  
27 12 amended to read as follows:

27 13 5. Except as provided in subsection ~~4~~ 6, the premium tax  
27 14 shall be paid on or before March 1 of the year following the  
27 15 calendar year for which the tax is due. The commissioner may  
27 16 suspend or revoke the license of a company or association that  
27 17 fails to pay its premium tax on or before the due date.

27 18 Sec. 74. Section 435.26, subsection 1, paragraph a, Code  
27 19 2003, is amended to read as follows:

27 20 a. A mobile home or manufactured home which is located  
27 21 outside a manufactured home community or mobile home park  
27 22 shall be converted to real estate by being placed on a  
27 23 permanent foundation and shall be assessed for real estate  
27 24 taxes. A home, after conversion to real estate, is eligible  
27 25 for the homestead tax credit and the military service tax  
27 26 exemption as provided in sections 425.2 and 426A.11.

27 27 Sec. 75. Section 455B.484, subsections 2 and 3, Code 2003,  
27 28 are amended to read as follows:

27 29 2. Seek, receive, and accept funds in the form of  
27 30 appropriations, grants, awards, wills, bequests, endowments,  
27 31 and gifts for deposit into the waste management assistance  
27 32 trust fund to be used for programs relating to the duties of  
27 33 the department under this part.

27 34 3. Administer and coordinate the ~~land quality and waste~~  
27 35 management assistance trust fund created under this part.

28 1 Sec. 76. Section 455B.488, Code 2003, is amended to read  
28 2 as follows:

28 3 455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND



28 4 DISPOSITION.

28 5 The ~~division~~ department shall develop, sponsor, and assist  
28 6 in conducting local, regional, or statewide programs for the  
28 7 receipt or collection and proper management of hazardous  
28 8 wastes from households and farms. In conducting such events  
28 9 the ~~division~~ department may establish limits on the types and  
28 10 amounts of wastes that will be collected, and may establish a  
28 11 fee system for acceptance of wastes in quantities exceeding  
28 12 the limits established pursuant to this section.

28 13 Sec. 77. Section 455B.518, subsection 4, Code 2003, is  
28 14 amended to read as follows:

28 15 4. A toxics pollution prevention plan developed under this  
28 16 section shall be reviewed by the ~~authority~~ department for  
28 17 completeness, adequacy, and accuracy.

28 18 Sec. 78. Section 455H.208, Code 2003, is amended to read  
28 19 as follows:

28 20 455H.208 PUBLIC PARTICIPATION.

28 21 Public participation shall be a required component of the  
28 22 process for participants for all sites enrolled in the land  
28 23 recycling program. The required level of public participation  
28 24 shall vary depending on the conditions existing at a site. At  
28 25 a minimum, the department shall notify all adjacent property  
28 26 owners, occupants of adjacent property, and the city or county  
28 27 in which the property is located of a site's enrollment in the  
28 28 land recycling program and of the scope of work described in  
28 29 the participation agreement, and give the notified parties the  
28 30 opportunity to obtain updates regarding the status of  
28 31 activities relating to the enrolled site in the land recycling  
28 32 program. The notification shall not be required before the  
28 33 participant has had the opportunity to collect basic

28 34 information characterizing the nature and extent of the  
28 35 contamination, but the notification shall be required in a  
29 1 timely manner allowing appropriate parties to have input in  
29 2 the formulation of the response action. If contaminants from  
29 3 the enrolled site have migrated off the enrolled site or are  
29 4 likely to migrate off the enrolled site, as determined by the  
29 5 department, the department shall notify by direct mailing all  
29 6 potentially affected parties, including the city or county in  
29 7 which the potentially affected property is located, and  
29 8 officials in charge of any potentially impacted public water  
29 9 supply and the notified parties shall be given opportunity to  
29 10 comment on proposed response actions. The department may  
29 11 require the participant of an enrolled site to publish public  
29 12 notice in a local newspaper if widespread interest in the site  
29 13 exists or is likely to exist as determined by the department.  
29 14 The department shall consider reasonable comments from  
29 15 potentially affected parties in determining whether to approve  
29 16 or disapprove a proposed response action or site closure.

29 17 Sec. 79. Section 456A.19, unnumbered paragraphs 1 and 2,  
29 18 Code 2003, are amended to read as follows:

29 19 All funds accruing to the fish and game protection fund,  
29 20 except an equitable portion of the administration fund, shall  
29 21 be expended solely in carrying on ~~the~~ fish and wildlife  
29 22 activities. Expenditures incurred by the department in  
29 23 carrying on the activities shall be only on authorization by  
29 24 the general assembly.

29 25 The department shall by October 1 of each year submit to  
29 26 the department of management for transmission to the general  
29 27 assembly a detailed estimate of the amount required by the  
29 28 department during the succeeding year for carrying on ~~the~~ fish  
29 29 and wildlife activities. The estimate shall be in the same  
29 30 general form and detail as required by law in estimates  
29 31 submitted by other state departments.

29 32 Sec. 80. Section 456A.21, subsections 1 and 2, Code 2003,  
29 33 are amended to read as follows:

29 34 1. A forestry management and enhancement fund is created  
29 35 in the state treasury under the department's control. The  
30 1 fund is composed of moneys deposited into the fund pursuant to  
30 2 section 456A.20, moneys appropriated by the general assembly,  
30 3 and moneys available to and obtained or accepted by ~~the~~  
30 4 ~~division or~~ the department from the United States or private  
30 5 sources for placement in the fund.

30 6 2. Moneys in the fund are subject to an annual audit by  
30 7 the auditor of state. The fund is subject to warrants written  
30 8 by the director of revenue and finance, drawn upon the written  
30 9 requisition of the ~~division~~ department.

30 10 Sec. 81. Section 456A.21, subsection 3, paragraph a, Code  
30 11 2003, is amended to read as follows:

30 12 a. Four forestry technicians who shall serve regions of  
30 13 the state as designated by the ~~division~~ department.

30 14 Sec. 82. Section 459.102, subsection 29, Code 2003, is

30 15 amended to read as follows:

30 16 29. "Major water source" means a water source that is a  
30 17 lake, reservoir, river, or stream located within the  
30 18 territorial limits of the state, or any marginal river area  
30 19 adjacent to the state, if the water source is capable of  
30 20 supporting a floating vessel capable of carrying one or more  
30 21 persons during a total of a six-month period in one out of ten  
30 22 years, excluding periods of flooding, which has been  
30 23 identified by rules adopted by the commission.

30 24 Sec. 83. Section 459.303, subsection 5, paragraph a,  
30 25 unnumbered paragraph 1, Code 2003, is amended to read as  
30 26 follows:

30 27 A confinement feeding operation meets threshold  
30 28 requirements under this ~~paragraph~~ subsection if the  
30 29 confinement feeding operation after construction of a proposed  
30 30 confinement feeding operation structure would have a minimum  
30 31 animal unit capacity of the following:

30 32 Sec. 84. Section 459.310, subsection 1, paragraph a, Code  
30 33 2003, is amended to read as follows:

30 34 a. A confinement feeding operation structure shall not be  
30 35 constructed closer than five hundred feet away from the  
31 1 surface intake of an agricultural drainage well. A  
31 2 confinement feeding operation structure shall not be  
31 3 constructed closer than one thousand feet from a wellhead,  
31 4 cistern of an agricultural drainage well, or known sinkhole.  
31 5 However, the department may adopt rules requiring an increased  
31 6 separation distance under this paragraph in order to protect  
31 7 the integrity of a water of ~~this~~ the state. The increased  
31 8 separation distance shall not be more than two thousand feet.  
31 9 If the department exercises its discretion to increase the  
31 10 separation distance requirement, the department shall not  
31 11 approve an application for the construction of a confinement  
31 12 feeding operation structure within that separation distance as  
31 13 provided in section 459.303.

31 14 Sec. 85. Section 459.310, subsection 1, paragraph c,  
31 15 subparagraph (2), Code 2003, is amended to read as follows:

31 16 (2) A major water source shall not be constructed,  
31 17 expanded, or diverted, if the major water source as  
31 18 constructed, expanded, or diverted is closer than one thousand  
31 19 feet from a confinement feeding operation structure.

31 20 Sec. 86. Section 459.312, subsection 10, paragraph a,  
31 21 subparagraph (2), subparagraph subdivision (b), subparagraph  
31 22 subdivision part (i), Code 2003, is amended to read as  
31 23 follows:

31 24 (i) The development of a comprehensive state nutrient  
31 25 budget for the maximum volume, frequency, and concentration of  
31 26 nutrients for each watershed that addresses all significant  
31 27 sources of nutrients in a water of ~~this~~ the state on a  
31 28 watershed basis.

31 29 Sec. 87. Section 459.604, subsection 1, unnumbered  
31 30 paragraph 2, Code 2003, is amended to read as follows:

31 31 This subsection shall not apply unless the department ~~of~~  
~~31 32 natural resources~~ has previously notified the person of the  
31 33 person's classification as a habitual violator. The  
31 34 department shall notify persons classified as habitual  
31 35 violators of their classification, additional restrictions  
32 1 imposed upon the persons pursuant to their classification, and  
32 2 special civil penalties that may be imposed upon the persons.  
32 3 The notice shall be sent to the persons by certified mail.

32 4 Sec. 88. Section 466.5, subsection 4, unnumbered paragraph  
32 5 1, Code 2003, is amended to read as follows:

32 6 When establishing a wetland under this ~~subsection~~ section,  
32 7 the department of agriculture and land stewardship shall be  
32 8 governed by the following requirements:

32 9 Sec. 89. Section 481B.5, subsections 2 through 4, Code  
32 10 2003, are amended to read as follows:

32 11 2. The United States list of endangered or threatened  
32 12 native fish and wildlife as contained in ~~the Code of Federal~~  
~~32 13 Regulations, Title 50, part 50 C.F.R. pt. 17~~ as amended to  
32 14 December 30, 1991.

32 15 3. The United States list of endangered or threatened  
32 16 plants as contained in ~~the Code of Federal Regulations, Title~~  
~~32 17 50, part 50 C.F.R. pt. 17~~ as amended to December 30, 1991.

32 18 4. The United States list of endangered or threatened  
32 19 foreign fish and wildlife as contained in ~~the Code of Federal~~  
~~32 20 Regulations, Title 50, part 50 C.F.R. pt. 17~~ as amended to  
32 21 December 30, 1991.

32 22 Sec. 90. Section 490.825, subsection 3, Code 2003, is  
32 23 amended to read as follows:

32 24 3. Sections 490.820 through 490.824 apply both to  
32 25 committees of the board and to ~~their~~ committee members.

32 26 Sec. 91. Section 490.1701, subsection 1, Code 2003, is  
32 27 amended to read as follows:

32 28 1. Except as provided in this subsection or chapter 504,  
32 29 ~~Code 1989, or chapter~~ 504A, this chapter does not apply to or  
32 30 affect entities subject to chapter 504, ~~Code 1989, or chapter~~  
32 31 504A. Such entities continue to be governed by all laws of  
32 32 this state applicable to them before December 31, 1989, as  
32 33 those laws are amended. This chapter does not derogate or  
32 34 limit the powers to which such entities are entitled.

32 35 Sec. 92. Section 490A.1508, Code 2003, is amended to read  
33 1 as follows:

33 2 490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

33 3 Membership interests of a professional limited liability  
33 4 company shall be issued only to individuals who are licensed  
33 5 to practice in any state a profession which the professional  
33 6 limited liability company is authorized to practice.  
33 7 Membership interests of a professional limited liability  
33 8 company shall not at any time be issued in, transferred into,  
33 9 or held in joint tenancy, tenancy in common, or any other form  
33 10 of joint ownership or co-ownership. The Iowa uniform  
33 11 securities Act as provided in chapter 502 shall not be  
33 12 applicable to nor govern any transaction relating to any  
33 13 membership interests of a professional limited liability  
33 14 company.

33 15 Sec. 93. Section 504A.100, subsection 2, Code 2003, is  
33 16 amended to read as follows:

33 17 2. This chapter shall not apply to any domestic  
33 18 corporation heretofore organized or existing under the  
33 19 provisions of chapter 504, ~~of the Code 1989, nor, for a period~~  
33 20 of two years from and after July 4, 1965, to any foreign  
33 21 corporation holding a permit under the provisions of said  
33 22 chapter on the said date, unless such domestic or foreign  
33 23 corporation shall voluntarily elect to adopt the provisions of  
33 24 this chapter and shall comply with the procedure prescribed by  
33 25 the provisions of subsection 3 of this section.

33 26 Sec. 94. Section 504B.1, Code 2003, is amended to read as  
33 27 follows:

33 28 504B.1 CORPORATIONS APPLICABLE.

33 29 This chapter shall apply to every corporation organized  
33 30 under chapter 504, ~~Code 1989, or chapter~~ 504A, which  
33 31 corporation is deemed to be a private foundation as defined in  
33 32 section 509 of the Internal Revenue Code, which is  
33 33 incorporated in the state of Iowa after December 31, 1969, and  
33 34 as to any such corporation organized in this state before  
33 35 January 1, 1970, it shall apply only for its federal taxable  
34 1 years beginning on or after January 1, 1972.

34 2 Sec. 95. Section 504B.6, unnumbered paragraph 1, Code  
34 3 2003, is amended to read as follows:

34 4 Nothing in this chapter shall limit the power of any  
34 5 nonprofit corporation organized under chapter 504, ~~Code 1989,~~  
34 6 or organized under chapter 504A:

34 7 Sec. 96. Section 514.1, unnumbered paragraph 1, Code 2003,  
34 8 is amended to read as follows:

34 9 A corporation organized under ~~former~~ chapter 504, ~~Code~~  
34 10 ~~1989, or chapter~~ 504A for the purpose of establishing,  
34 11 maintaining, and operating a nonprofit hospital service plan,  
34 12 whereby hospital service may be provided by the corporation or  
34 13 by a hospital with which it has a contract for service, to the  
34 14 public who become subscribers to this plan under a contract  
34 15 which entitles each subscriber to hospital service; or a  
34 16 corporation organized for the purpose of establishing,  
34 17 maintaining, and operating a plan whereby health care service  
34 18 may be provided at the expense of this corporation, by  
34 19 licensed physicians and surgeons, dentists, podiatric  
34 20 physicians, osteopathic physicians, osteopathic physicians and  
34 21 surgeons or chiropractors, to subscribers under contract,  
34 22 entitling each subscriber to health care service, as provided  
34 23 in the contract; or a corporation organized for the purpose of  
34 24 establishing, maintaining, and operating a nonprofit  
34 25 pharmaceutical service plan or optometric service plan,  
34 26 whereby pharmaceutical or optometric service may be provided  
34 27 by this corporation or by a licensed pharmacy with which it  
34 28 has a contract for service, to the public who become  
34 29 subscribers to this plan under a contract which entitles each  
34 30 subscriber to pharmaceutical or optometric service; shall be  
34 31 governed by this chapter and is exempt from all other  
34 32 provisions of the insurance laws of this state, unless  
34 33 specifically designated in this chapter, not only in  
34 34 governmental relations with the state but for every other  
34 35 purpose, and additions enacted after ~~the effective date of~~  
35 1 ~~this chapter July 1, 1939,~~ shall not apply to these

35 2 corporations unless they are expressly designated in the  
35 3 additions.  
35 4 Sec. 97. Section 514.2, Code 2003, is amended to read as  
35 5 follows:  
35 6 514.2 INCORPORATION.  
35 7 Persons desiring to form a nonprofit hospital service  
35 8 corporation, or a nonprofit medical service corporation, or a  
35 9 nonprofit pharmaceutical or optometric service corporation  
35 10 shall incorporate under the provisions of chapter 504, Code  
35 11 1989, or chapter 504A, as supplemented and amended herein and  
35 12 any acts amendatory thereof.  
35 13 Sec. 98. Section 514.5, unnumbered paragraph 1, Code 2003,  
35 14 is amended to read as follows:  
35 15 A hospital service corporation organized under ~~former~~  
35 16 chapter 504, Code 1989, or chapter 504A may enter into  
35 17 contracts for the rendering of hospital service to any of its  
35 18 subscribers with hospitals maintained and operated by the  
35 19 state or any of its political subdivisions, or by any  
35 20 corporation, association, or individual. Such hospital  
35 21 service corporation may also contract with an ambulatory  
35 22 surgical facility to provide surgical services to the  
35 23 corporation's subscribers. Hospital service is meant to  
35 24 include bed and board, general nursing care, use of the  
35 25 operating room, use of the delivery room, ordinary medications  
35 26 and dressings and other customary routine care. Ambulatory  
35 27 surgical facility means a facility constructed and operated  
35 28 for the specific purpose of providing surgery to patients  
35 29 admitted to and discharged from the facility within the same  
35 30 day.  
35 31 Sec. 99. Section 537.1303, subsection 10, Code 2003, is  
35 32 amended to read as follows:  
35 33 10. "Pursuant to a credit card". Section 537.1301,  
35 34 subsection ~~17~~ 16.  
35 35 Sec. 100. Section 542.7, subsection 8, unnumbered  
36 1 paragraph 1, Code 2003, is amended to read as follows:  
36 2 The board, by rule, shall require as a condition ~~to~~ of  
36 3 renewal of a permit to practice as a certified public  
36 4 accounting firm, that an applicant undergo, no more frequently  
36 5 than once every three years, a peer review conducted in such  
36 6 manner as the board specifies. The review shall include a  
36 7 verification that any individual in the firm who is  
36 8 responsible for supervising attest and compilation services  
36 9 and who signs or authorizes someone to sign the accountant's  
36 10 report on a financial statement on behalf of the firm meets  
36 11 the competency requirements set forth in the professional  
36 12 standards for such services.  
36 13 Sec. 101. Section 542.8, subsection 17, Code 2003, is  
36 14 amended to read as follows:  
36 15 17. The board, by rule, shall require as a condition ~~to~~ of  
36 16 renewal of a permit to practice as a licensed public  
36 17 accounting firm, that an applicant undergo, no more frequently  
36 18 than once every three years, a peer review conducted in such  
36 19 manner as the board specifies. The review shall include  
36 20 verification that any individual in the firm who is  
36 21 responsible for supervising compilation services and who signs  
36 22 or authorizes someone to sign the accountant's report on a  
36 23 financial statement on behalf of the firm meets the competency  
36 24 requirements set forth in the professional standards for such  
36 25 services. Such rules shall include reasonable provision for  
36 26 compliance by an applicant showing that the applicant, within  
36 27 the preceding three years, has undergone a peer review that is  
36 28 a satisfactory equivalent to the peer review required under  
36 29 this subsection. An applicant's completion of a peer review  
36 30 program endorsed or supported by the national society of  
36 31 accountants, or other substantially similar review as  
36 32 determined by the board, satisfies the requirements of this  
36 33 subsection.  
36 34 Sec. 102. Section 544B.1, subsection 2, Code 2003, is  
36 35 amended to read as follows:  
37 1 2. ~~The "practice~~ "Practice of landscape architecture"  
37 2 means the performance of professional services such as  
37 3 consultations, investigations, reconnaissance, research,  
37 4 planning, design, or responsible supervision in connection  
37 5 with projects involving the arranging of land and the elements  
37 6 thereon for public and private use and enjoyment, including  
37 7 the alignment of roadways and the location of buildings,  
37 8 service areas, parking areas, walkways, steps, ramps, pools  
37 9 and other structures, and the grading of the land, surface and  
37 10 subsoil drainage, erosion control, planting, reforestation,  
37 11 and the preservation of the natural landscape and aesthetic  
37 12 values, in accordance with accepted professional standards of



37 13 public health, welfare, and safety. This practice shall  
37 14 include the location and arrangement of such tangible objects  
37 15 and features as are incidental and necessary to the purposes  
37 16 outlined in this chapter but shall not include the design of  
37 17 structures or facilities with separate and self-contained  
37 18 purposes for habitation or industry, or the design of public  
37 19 streets and highways, utilities, storm and sanitary sewers,  
37 20 and sewage treatment facilities, such as are ordinarily  
37 21 included in the practice of engineering or architecture; and  
37 22 shall not include the making of land surveys or final land  
37 23 plats for official approval or recording. Nothing contained  
37 24 in this chapter shall be construed as authorizing a  
37 25 professional landscape architect to engage in the practice of  
37 26 architecture, engineering, or land surveying.

37 27 Sec. 103. Section 554.9706, subsection 2, paragraph a,  
37 28 Code 2003, is amended to read as follows:  
37 29 a. if the initial financing statement is filed before July  
37 30 1, 2001, for the period provided in ~~former~~ section 554.9403,  
37 31 Code 2001, with respect to a financing statement; and

37 32 Sec. 104. Section 554.11103, Code 2003, is amended to read  
37 33 as follows:  
37 34 554.11103 TRANSITION TO THIS CHAPTER AS AMENDED == GENERAL  
37 35 RULE.

38 1 Transactions validly entered into after July 4, 1966, and  
38 2 before January 1, 1975, which were subject to the provisions  
38 3 of this chapter prior to amendment and which would be subject  
38 4 to this chapter as amended if they had been entered into on or  
38 5 after January 1, 1975, and the rights, duties and interests  
38 6 flowing from such transactions remain valid after January 1,  
38 7 1975, and may be terminated, completed, consummated or  
38 8 enforced as required or permitted by this chapter as amended.  
38 9 Security interests arising out of such transactions which are  
38 10 perfected on January 1, 1975, shall remain perfected until  
38 11 they lapse or are terminated as provided in this chapter as  
38 12 amended, and may be continued as permitted by this chapter as  
38 13 amended, ~~except as stated in section 554.11105.~~

38 14 Sec. 105. Section 616.10, Code 2003, is amended to read as  
38 15 follows:  
38 16 616.10 INSURANCE COMPANIES.

38 17 Insurance companies may be sued in any county in which  
38 18 their principal place of business is kept, or in which the  
38 19 contract of insurance was made, or in which the loss insured  
38 20 against occurred, or, in case of insurance against death or  
38 21 disability, in the county of the domicile of the insured at  
38 22 the time the loss occurred, or in the county of plaintiff's  
38 23 residence. As used in this section the term "insurance  
38 24 companies" includes nonprofit hospital service corporations  
38 25 and nonprofit medical service corporations which have  
38 26 incorporated under the provisions of chapter 504, Code 1989,  
38 27 or chapter 504A.

38 28 Sec. 106. Section 618.5, Code 2003, is amended to read as  
38 29 follows:  
38 30 618.5 PERMISSIBLE SELECTION.

38 31 Publications may be made in a newspaper published at least  
38 32 once a week ~~or oftener~~.

38 33 Sec. 107. Section 618.9, Code 2003, is amended to read as  
38 34 follows:  
38 35 618.9 DAYS OF PUBLICATION.

39 1 When the publication is in a newspaper which is published  
39 2 ~~oftener than more than~~ once a week, the succeeding  
39 3 publications of such notice shall be on the same day of the  
39 4 week as the first publication. This section shall not apply  
39 5 to any notice for the publication of which provision  
39 6 inconsistent herewith is specially made.

39 7 Sec. 108. Section 633.63, subsection 3, Code 2003, is  
39 8 amended to read as follows:  
39 9 3. A private nonprofit corporation organized under chapter  
39 10 504, Code 1989, or chapter 504A is qualified to act as a  
39 11 guardian, as defined in section 633.3, subsection 20, or a  
39 12 conservator, as defined in section 633.3, subsection 7, where  
39 13 the assets subject to the conservatorship at the time when  
39 14 such corporation is appointed conservator are less than or  
39 15 equal to seventy-five thousand dollars and the corporation  
39 16 does not possess a proprietary or legal interest in an  
39 17 organization which provides direct services to the individual.

39 18 Sec. 109. Section 633.4214, subsection 3, paragraph c,  
39 19 Code 2003, is amended to read as follows:  
39 20 c. This subsection does not apply to the following:  
39 21 (1) A power held by the settlor's spouse who is the  
39 22 trustee of a trust for which a marital deduction, as defined  
39 23 in section 2056(b)(5) or 2523(e) of the Internal Revenue Code

39 24 of 1986, ~~that~~ was previously allowed.

39 25 (2) A trust that may be revoked or amended by the settlor.

39 26 (3) A trust, if contributions to the trust ~~which~~ qualify

39 27 for an annual exclusion under section 2503(c) of the Internal

39 28 Revenue Code of 1986.

39 29 Sec. 110. Section 637.601, unnumbered paragraph 1, Code

39 30 2003, is amended to read as follows:

39 31 For purposes of this ~~section~~ subchapter:

39 32 Sec. 111. Section 637.605, subsection 2, Code 2003, is

39 33 amended to read as follows:

39 34 2. The trustee appoints a disinterested person who, in ~~its~~

39 35 ~~the person's~~ sole discretion, but acting in a fiduciary

40 1 capacity, determines for the trustee the method to be used in

40 2 determining the fair market value of the trust, and which

40 3 assets, if any, are to be excluded in determining the unitrust

40 4 amount.

40 5 Sec. 112. Section 656.2, subsection 2, paragraph a,

40 6 unnumbered paragraph 11, Code 2003, is amended to read as

40 7 follows:

40 8 The request for notice shall be indexed ~~pursuant to section~~

40 9 ~~558.50.~~

40 10 Sec. 113. Section 709.19, subsection 1, Code 2003, is

40 11 amended to read as follows:

40 12 1. Upon the filing of an affidavit by a victim, or a

40 13 parent or guardian on behalf of a minor who is a victim, of a

40 14 crime ~~of that is~~ a sexual offense in violation of section

40 15 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14,

40 16 709.15, or 709.16, ~~which that~~ states that the presence of or

40 17 contact with the defendant whose release from jail or prison

40 18 is imminent or who has been released from jail or prison

40 19 continues to pose a threat to the safety of the victim,

40 20 persons residing with the victim, or members of the victim's

40 21 immediate family, the court shall enter a temporary no-contact

40 22 order which shall require the defendant to have no contact

40 23 with the victim, persons residing with the victim, or members

40 24 of the victim's immediate family.

40 25 Sec. 114. Section 717D.1, Code 2003, is amended to read as

40 26 follows:

40 27 717D.1 DEFINITIONS.

40 28 As used in this chapter:

40 29 1. "Animal" means a nonhuman vertebrate.

40 30 2. "Contest animal" means a bull, bear, chicken, or dog.

40 31 3. "Contest device" means equipment designed to enhance a

40 32 contest animal's entertainment value during training or a

40 33 contest event, including a device to improve the contest

40 34 animal's competitiveness.

40 35 4. "Contest event" means a function organized for the

41 1 entertainment or profit of spectators where a contest animal

41 2 is injured, tormented, or killed, if the contest animal is a

41 3 bull involved in a bullfight or bull baiting, a bear involved

41 4 in bear baiting, a chicken involved in cock fighting, or a dog

41 5 involved in dog fighting.

41 6 5. "Establishment" means the location where a contest

41 7 event occurs or is to occur, regardless of whether a contest

41 8 animal is present at the establishment or the contest animal

41 9 is witnessed by means of an electronic signal transmitted to

41 10 the location.

41 11 6. "Livestock" means the same as defined in section 717.1.

41 12 7. "Local authority" means the same as defined in section

41 13 717B.1.

41 14 8. "Promoter" means a person who charges admission for

41 15 entry into an establishment or organizes, holds, advertises,

41 16 or otherwise conducts a contest event.

41 17 9. "Spectator" means a person who attends an establishment

41 18 for purposes of witnessing a contest event.

41 19 10. "Trainer" means a person who trains a contest animal

41 20 for purposes of engaging in a contest event, regardless of

41 21 where the contest event is located. A trainer includes a

41 22 person who uses a contest device.

41 23 11. "Transporter" means a person who moves a contest

41 24 animal for delivery to a training location or a contest event

41 25 location.

41 26 Sec. 115. Section 802.5, Code 2003, is amended to read as

41 27 follows:

41 28 802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

41 29 If the ~~period~~ periods prescribed in sections 802.3 and

41 30 802.4 ~~has have~~ expired, prosecution may nevertheless be

41 31 commenced for any offense a material element of which is

41 32 either fraud or a breach of fiduciary obligation within one

41 33 year after discovery of the offense by an aggrieved party or

41 34 by a person who has legal duty to represent an aggrieved party

41 35 and who is not a party to the offense, but in no case shall  
42 1 this provision extend the period of limitation otherwise  
42 2 applicable by more than three years.  
42 3 Sec. 116. Section 805.8A, subsection 3, paragraph e, Code  
42 4 2003, is amended to read as follows:  
42 5 e. For a violation of section 321.430, the scheduled  
42 6 ~~violation fine~~ is thirty-five dollars.  
42 7 Sec. 117. Section 805.8A, subsection 4, paragraph b, Code  
42 8 2003, is amended to read as follows:  
42 9 b. For a violation of section 321.216, the scheduled  
42 10 ~~violation fine~~ is seventy-five dollars.  
42 11 Sec. 118. Section 805.8A, subsection 10, paragraph b, Code  
42 12 2003, is amended to read as follows:  
42 13 b. For a violation under section 321.372, subsection 3,  
42 14 the scheduled ~~violation fine~~ is one hundred dollars.  
42 15 Sec. 119. Section 809A.14, subsection 4, unnumbered  
42 16 paragraph 1, Code 2003, is amended to read as follows:  
42 17 Notice of the issuance of a temporary restraining order and  
42 18 an opportunity for a hearing shall be given to persons known  
42 19 to have an interest in the property. A hearing shall be held  
42 20 at the earliest possible date in accordance with ~~R.C.P. 326~~  
42 21 ~~rule of civil procedure 1.1507~~, and shall be limited to the  
42 22 following issues:  
42 23 Sec. 120. Section 907B.2, Article I, subsection 7, Code  
42 24 2003, is amended to read as follows:  
42 25 7. MEMBER. "Member" means the commissioner of a  
42 26 compacting state or a designee, who shall be a person  
42 27 officially connected with the commissioner.  
42 28 Sec. 121. Section 907B.2, Article IV, subsection 10, Code  
42 29 2003, is amended to read as follows:  
42 30 10. To accept any and all donations and grants of money,  
42 31 equipment, supplies, materials, and services, and to receive,  
42 32 utilize, and dispose of ~~the~~ same.  
42 33 Sec. 122. Section 907B.2, Article VII, subsection 7,  
42 34 paragraph j, Code 2003, is amended to read as follows:  
42 35 j. Mediation, arbitration and dispute resolution. The  
43 1 existing rules governing the operation of the previous compact  
43 2 superseded by this ~~Act~~ compact shall be null and void twelve  
43 3 months after the first meeting of the interstate commission  
43 4 created hereunder.  
43 5 Sec. 123. 2002 Iowa Acts, chapter 1017, section 4, is  
43 6 amended to read as follows:  
43 7 SEC. 4. Section 331.602, subsection 13, Code Supplement  
43 8 2001, is amended by striking the subsection.  
43 9 Sec. 124. 2002 Iowa Acts, chapter 1093, section 3, is  
43 10 amended by striking the section and inserting in lieu thereof  
43 11 the following:  
43 12 SEC. 3. Section 166D.10, subsection 4, paragraph b,  
43 13 subparagraph (2), subparagraph subdivision (a), unnumbered  
43 14 paragraph 1, Code 2001, is amended to read as follows:  
43 15 Except as provided in this subparagraph, the owner of swine  
43 16 shall vaccinate the swine with a modified-live differentiable  
43 17 vaccine, prior to moving swine into the stage II county. ~~A~~  
43 18 ~~statistical sampling of the swine moved into a herd as~~  
43 19 ~~provided in this subparagraph shall be tested using a~~  
43 20 ~~differentiable test within thirty days after the swine is~~  
43 21 ~~moved to a herd in this state. If a swine reacts positively~~  
43 22 ~~to the test, the herd is an infected herd. A person is not~~  
43 23 ~~required to vaccinate swine prior to moving swine into the~~  
43 24 ~~stage II county or test the swine after the swine has been~~  
43 25 ~~moved to a herd in the stage II county, if one of the~~  
43 26 following applies:  
43 27 Sec. 125. 2002 Iowa Acts, chapter 1119, section 108, is  
43 28 amended to read as follows:  
43 29 SEC. 108. Section 229.26, Code ~~Supplement~~ 2001, is amended  
43 30 by striking the words "third edition,".  
43 31 Sec. 126. 2002 Iowa Acts, chapter 1132, section 9, is  
43 32 amended by striking the section and inserting in lieu thereof  
43 33 the following:  
43 34 SEC. 9. Section 368.11, unnumbered paragraph 4, Code  
43 35 Supplement 2001, is amended to read as follows:  
44 1 At least ~~ten~~ fourteen business days before a petition for  
44 2 involuntary annexation is filed as provided in this section,  
44 3 the petitioner shall make its intention known by sending a  
44 4 letter of intent by certified mail to the council of each city  
44 5 whose urbanized area contains a portion of the territory, the  
44 6 board of supervisors of each county which contains a portion  
44 7 of the territory, the regional planning authority of the  
44 8 territory involved, each affected public utility, and to each  
44 9 property owner listed in the petition. The written  
44 10 notification shall include notice that the petitioners shall

44 11 hold a public meeting on the petition for involuntary  
44 12 annexation prior to the filing of the petition.  
44 13 Sec. 127. 2002 Iowa Acts, chapter 1140, section 28, is  
44 14 amended by striking the section and inserting in lieu thereof  
44 15 the following:  
44 16 SEC. 28. Section 285.12, Code Supplement 2001, is amended  
44 17 to read as follows:  
44 18 285.12 DISPUTES == HEARINGS AND APPEALS.  
44 19 In the event of a disagreement between a school patron and  
44 20 the board of the school district, the patron if dissatisfied  
44 21 with the decision of the district board, may appeal ~~the same~~  
44 22 to the area education agency board, notifying the secretary of  
44 23 the district in writing within ten days of the decision of the  
44 24 board and by filing an affidavit of appeal with the agency  
44 25 board within the ten-day period. The affidavit of appeal  
44 26 shall include the reasons for the appeal and points at issue.  
44 27 The secretary of the local board on receiving notice of appeal  
44 28 shall certify all papers to the agency board which shall hear  
44 29 the appeal within ten days of the receipt of the papers and  
44 30 decide it within three days of the conclusion of the hearing  
44 31 and shall immediately notify all parties of its decision.  
44 32 Either party may appeal the decision of the agency board to  
44 33 the director of the department of education by notifying the  
44 34 opposite party and the agency administrator in writing within  
44 35 five days after receipt of notice of the decision of the  
45 1 agency board and by filing with the director of the department  
45 2 of education an affidavit of appeal, reasons for appeal, and  
45 3 the facts involved in the disagreement within five days after  
45 4 receipt of notice of the decision of the agency board. The  
45 5 agency administrator shall, within ten days of ~~said receipt of~~  
45 6 ~~the notice~~, file with the director all records and papers  
45 7 pertaining to the case, including action of the agency board.  
45 8 The director shall hear the appeal within fifteen days of the  
45 9 filing of the records in the director's office, notifying all  
45 10 parties and the agency administrator of the ~~date and time of~~  
45 11 ~~hearing~~. The director shall ~~forthwith decide the same and~~  
45 12 notify all parties of the decision and return all papers with  
45 13 a copy of the decision to the agency administrator. The  
45 14 decision of the director shall be subject to judicial review  
45 15 in accordance with ~~the terms of the Iowa administrative~~  
45 16 ~~procedure Act chapter 17A~~. Pending final order made by the  
45 17 director, upon any appeal prosecuted to such director, the  
45 18 order of the agency board from which the appeal is taken shall  
45 19 be operative and be in full force and effect.  
45 20 Sec. 128. 2002 Iowa Acts, chapter 1149, section 2, is  
45 21 amended by striking the section and inserting in lieu thereof  
45 22 the following:  
45 23 SEC. 2. Section 137F.6, Code 2001, is amended by adding  
45 24 the following new subsection:  
45 25 NEW SUBSECTION. 7. For a farmers market where potentially  
45 26 hazardous food is sold or distributed, one seasonal license  
45 27 fee of one hundred dollars for each vendor on a countywide  
45 28 basis.  
45 29 Sec. 129. 2002 Iowa Acts, chapter 1175, section 41, the  
45 30 bill section amending clause, is amended to read as follows:  
45 31 Section 546.10, subsection 3, unnumbered paragraph 2, if  
45 32 enacted by 2002 Iowa Acts, Senate File 2326, section 32, is  
45 33 amended to read as follows:  
45 34 Sec. 130. 2001 Iowa Acts, chapter 55, section 31, is  
45 35 amended by striking the section and inserting in lieu thereof  
46 1 the following:  
46 2 SEC. 31. Section 502.102, subsection 11, paragraph c,  
46 3 subparagraphs (3) and (4), Code 2001, are amended to read as  
46 4 follows:  
46 5 (3) An attorney licensed to practice law in this state, a  
46 6 certified public accountant licensed pursuant to chapter ~~542C~~  
46 7 ~~542D~~, a professional engineer licensed pursuant to chapter  
46 8 ~~542B~~, or a certified teacher, if the person's performance of  
46 9 these services is solely incidental to the practice of the  
46 10 person's profession.  
46 11 (4) An attorney licensed to practice law in this state or  
46 12 a certified public accountant licensed pursuant to chapter  
46 13 ~~542C~~ ~~542D~~ who does not do any of the following:  
46 14 (a) Exercise investment discretion regarding the assets of  
46 15 a client or maintain custody of the assets of a client for the  
46 16 purpose of investing the assets, except when the person is  
46 17 acting as a bona fide fiduciary in a capacity such as an  
46 18 executor, administrator, trustee, estate or trust agent,  
46 19 guardian, or conservator.  
46 20 (b) Accept or receive directly or indirectly any  
46 21 commission, fee, or other remuneration contingent upon the



46 22 purchase or sale of any specific security by a client of such  
46 23 person.

46 24 (c) Provide advice regarding the purchase or sale of  
46 25 specific securities. However, this subparagraph subdivision  
46 26 (c) shall not apply when the advice about specific securities  
46 27 is based on a financial statement analysis or tax  
46 28 considerations that are reasonably related to and in  
46 29 connection with the person's profession.

46 30 Sec. 131. Sections 513C.3, 514E.1, 514I.1 through 514I.9,  
46 31 and 514I.11, Code 2003, are amended by striking the term  
46 32 "HAWK=I" and inserting in lieu thereof the term "hawk=i". The  
46 33 Code editor is directed to replace the term "HAWK=I" with the  
46 34 term "hawk=i" in any other statute contained in the 2003 Code  
46 35 or which is amended or enacted in other legislation enacted  
47 1 during the 2003 Session of the 80th General Assembly. The  
47 2 Code editor is further directed to make the same replacement  
47 3 in statutes appearing in any legislation that was enacted  
47 4 prior to the 2003 Session of the 80th General Assembly, but  
47 5 that will be codified on or after the effective date of this  
47 6 Act.

47 7 Sec. 132. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

47 8 1. The amendment in this Act to section 29A.90, subsection  
47 9 3, Code 2003, is retroactively applicable to April 22, 2002.

47 10 2. The section of this Act amending 2002 Iowa Acts,  
47 11 chapter 1093, section 3, takes effect upon enactment and is  
47 12 retroactively applicable to April 8, 2002.

47 13 3. The sections of this Act amending 2002 Iowa Acts,  
47 14 chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132,  
47 15 section 9, take effect upon enactment and are retroactively  
47 16 applicable to July 1, 2002.

47 17 4. The sections of this Act amending 2002 Iowa Acts,  
47 18 chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149,  
47 19 section 2, take effect upon enactment and are retroactively  
47 20 applicable to May 2, 2002.

47 21 5. This section is effective upon enactment.

47 22 HF 171  
47 23 lh/es/25